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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,809	10/24/2000	Barry L. Spletzer	SD6337/S92307	4279
7590 05/18/2004 Sandia National Laboratories Patent & Licensing Center 11500 Mail Stop 0161 Albuquerque, NM 87185-0161			EXAMINER NGUYEN, CHANH DUY	
			ART UNIT	PAPER NUMBER
			2675	

DATE MAILED: 05/18/2004 13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,809

Applicant(s)

SPLETZER ET AL.

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10, 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on March 09, 2004 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 7-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jouppi (U.S. Patent No. 56,549,215) in view of Kreitman et al (U.S. Patent No. 5,956,00).

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As to claim 1, Jouppi discloses a video display system as recited in claim 1 with exception of describing the use of an image transformer. Jouppi teaches a first video source means (e.g., camera 104 or projector 540) mounted relative to the display medium (84 or 522) for displaying a first portion of the image (234) at a first resolution (low resolution), a second video source (e.g., camera 106 or projector 542) mounted relative to the first video source (104 or 540) and the display medium (84 or 522) for displaying a second portion of the image (232) at a second resolution (high resolution). Jouppi teaches the second portion (232) including a subset of the first portion (234) and the second portion (232) overlaying the first portion (234). Jouppi teaches means for moving the position of the second portion (232 which represents a conferee leaving the meeting with respect to the first portion (234 which represents a meeting room including walls 124, 126). Kreitman teaches transformation unit (26) transforming the data to compensate for the misalignment of the basic projector units (24). This reads on the claimed limitation "image transformer" as recited in the claim. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the image transformer as taught by Kreitman to the projector of Jouppi so as to avoid misalign between to image projected by projectors; see column 1, lines 33-45 and column 2, lines 3-30 of Kreitman.

As to claims 8-9 and 11, these claims differ from claim 1 only in that claim 1 is apparatus whereas claims 8-9 and 11 are method. Thus, method claims 8-9 and 11 are analyzed as previously discussed with respect to apparatus claim 1 above.

Independent claims 8 and 11 are even broader than claim 1 since claims 8 and 11 do

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not recite limitation "moving" as recited in claim 1. Further, claim 11 does not recite the limitation "overlaying".

As to claim 7, Kreitman clearly teaches a homogeneous transform; see column 7; lines 1-6.

4. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jouppi in view of Greitman as applied to claim 1 above, and further in view of Washino et al (U.S. Patent 5,625,410).

As to claims 2-6, note the discussion of Jouppi and Greitman above, Jouppi and Greitman do not mention a video steerer as recited in claims 2-3 including pan and tilt motion as recited in claims 5-6. In the same field of endeavor (i.e. projectors), Washino teaches cameras having functions of pan, tilt ; see column 5, lines 8-11 and column 7, line 50 through column 8, line 47. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the video steerer as taught by Washino to the cameras video projecting image as taught by Jouppi as modified by Kreitman so that the image projected the display screen can be adjusted by the operator via the projectors.

Allowable Subject Matter

5. Claims 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed March 09, 2004 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that high resolution image (232) is not movable with respect to medium resolution image (236). Examiner disagrees with applicant this point of view because (1) Jouppi teaches that "a first portion of an image is displayed on a display at a first scale. At least one second portion of the image is displayed on the display...The at least one second image portion is displayed at a second scale higher than the first scale"_(see column 1, lines 46-52), (2) Jouppi teaches the video images captured from cameras are not only a stand still video image, they could be motion video image or mobile (e.g., conferee leaving the meeting by walking in telepresence captured by camera (see column 5,lines 28-42) and (3) the higher resolution image and lower resolution image mention above can be displayed as a single image (see column 7,lines 7-60 and column 8,lines 21-30). Thus, it is clear that Jouppi teaches the second portion of the image mobile with respect to the first portion of the image.

Applicant further argues that "thus an image portion may contain video of a subject moving, but it is the subject that is moving within the image portion, not the image portion itself that is movable with respect to another image portion". Examiner disagree with applicant since the image conferee leaving the meeting is movable with respect to the meeting room such as a wall of the meeting room.

On page 7, applicant argues that "Kreitman does not teach an image transformer for aligning a portion of an image that is moving over another of the image" and "the image transformer in Kreitman is used once prior to the display of the image to account for any misalignment in the set-up of the projectors" while "applicant's image transformer is used to make sure, as the second portion of the image moves with respect to the first portion of the image, that the second portion of the image is properly aligned with respect to the first portion of the image. However, these limitations are not recited in the claims. The claims (e.g., claim 1) simply require "an image transformer generating an input to the second video source means such that the second video source displays the second portion aligned with the first portion". The claim does not require "the second portion of the image moving with respect to the first portion" in the claimed limitation "image transformer" nor the moved second portion aligned with respect with the first portion" as applicant's argument

Applicant argues that the definition of an image transformer (a generic term) and the homogenous transformation employed therein necessary comes from the specification. Examiner disagrees with applicant this point of view because if the functions of the term are not defined in the claims in light of the specification, then it can be interpreted as broad as possible without the description of the specification. Applicant further argues that an image transformer as taught by Kreitman is not capable of the functionality as described by the applicant. However, the functionality of the image transformer of the invention recited in dependent claims 10 and 12 and are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all the limitations of the base claim and any intervening claims.

Regarding claim 7, applicant argues that the use of homogeneous transforms in Kreitman is different than the use of homogeneous transforms in applicant's invention as recited in claim 7. However, the use of homogeneous transforms in Kreitman is different from the use of homogeneous transforms in applicant's invention, but the claim is so broad that it reads on homogeneous transforms of Kreitman. Claim 7 simply requires "the image transformer comprises a homogeneous transform". Nowhere in the claim 7 recites "compensate an image from a video source with a continuously changing configuration" as applicant argues.

As to claims 2-6, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is from the reference of Washino (see column 6, lines 41-47 of Washino), not from applicant's disclosed device.

Inquiries

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


C. Nguyen
May 16, 2004


CHANH NGUYEN
PRIMARY EXAMINER